

ARTICLE APPEARED
ON PAGE A-36

NEW YORK TIMES
6 April 1984

CBS News to Allow Judge to See Tapes It Hadn't Televised

By PHILIP SHENON

After a long court fight, CBS News said yesterday that it would permit a State Supreme Court justice to view portions of a videotaped interview with two fugitive gunrunners that have not been televised.

The justice, Thomas B. Galligan of Manhattan, will see the tape before the trial of one of the suspects, George Gregory Korkala, CBS News said. The trial is scheduled to begin May 24.

CBS News said yesterday it might still take legal action to prevent the tapes from being turned over to the Manhattan District Attorney's office, which had sought them for use in the trial.

Segments Were Televised

Segments of the interview with Mr. Korkala and Frank E. Terpil, who were convicted in absentia on weapons and conspiracy charges, appeared on "60 Minutes" in 1981.

In February, the Appellate Division of State Supreme Court ruled that CBS News must permit Justice Galligan to review the tapes. He would then determine, the court said, whether any of the tapes should be turned over to prosecutors.

The court said that prosecutors were entitled only to portions of the tapes that would be needed to rebut arguments made by Mr. Korkala during the trial. CBS News did not appeal the decision.

Citing First Amendment press freedoms, CBS News has said it was not required to turn over tapes that had not been televised. While agreeing to permit the judge to see them, CBS News said it might still try to block him from requiring any tapes to be given to prosecutors.

The case was taken to the appeals court after the District Attorney subpoenaed the tapes last summer.

Justice Galligan will view the tapes of the interview, which took place in Beirut in October 1981, in a CBS screening room. "The tapes never leave the possession of CBS News," said Ann L. Morfogen, a spokesman for CBS News.

Mr. Korkala was extradited to the United States last year from Spain and will be retried on weapons charges. Mr. Terpil remains at large.